

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONS

PART 395
HOURS OF SERVICE OF DRIVERS

Section	
395.1000	Purpose and Applicability
395.1500	Enforcement
395.2000	Incorporation by Reference of 49 CFR 395

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

SOURCE: Adopted at 14 Ill. Reg. 15507, effective September 10, 1990; amended at 15 Ill. Reg. 13161, effective August 21, 1991; amended at 16 Ill. Reg. 14425, effective September 8, 1992; amended at 18 Ill. Reg. 743, effective January 11, 1994; amended at 19 Ill. Reg. 13041, effective August 30, 1995; amended at 20 Ill. Reg. 15335, effective November 18, 1996; amended at 23 Ill. Reg. 5096, effective March 31, 1999; amended at 24 Ill. Reg. 1944, effective January 19, 2000; amended at 25 Ill. Reg. 2092, effective January 17, 2001; amended at 26 Ill. Reg. 9009, effective June 5, 2002; amended at 26 Ill. Reg. 12766, effective August 12, 2002; amended at 27 Ill. Reg. 9251, effective June 2, 2003; amended at 28 Ill. Reg. 1161, effective January 4, 2004; emergency amendment at 28 Ill. Reg. 6654, effective April 14, 2004, for a maximum of 150 days; emergency expired September 10, 2004; amended at 29 Ill. Reg. 19264, effective November 10, 2005; amended at 30 Ill. Reg. 5642, effective March 8, 2006; amended at 32 Ill. Reg. 10433, effective June 25, 2008; amended at 37 Ill. Reg. 18346, effective November 4, 2013; amended at 40 Ill. Reg. 2050, effective January 8, 2016; emergency amendment at 41 Ill. Reg. 15380, effective December 19, 2017, for a maximum of 150 days; amended at 42 Ill. Reg. 5918, effective March 14, 2018; amended at 44 Ill. Reg. _____, effective _____.

Section 395.2000 Incorporation by Reference of 49 CFR 395

- a) "Hours of Service of Drivers" (49 CFR 395) is incorporated by reference as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR Subchapter B) was in effect on October 1, 2019, as amended by 85 FR 33396 (June 1, 2020)~~October 1, 2017~~, subject only to the exceptions in subsection (c). No later amendments to or editions of 49 CFR 395 are incorporated. Copies of 49 CFR 395 are available for inspection at 2300 South Dirksen Parkway, Springfield, Illinois 62764 or by calling (217)785-1181~~217/785-1181~~. The incorporated CFR may also be accessed via the U.S. Government Publishing Office's website at <http://www.ecfr.gov>.

- b) References to subchapters, parts, subparts, sections, or paragraphs shall be read to refer to the appropriate citation in 49 CFR.
- c) 49 CFR 395.1(h) and 395.1(i) are not incorporated. ~~The following interpretations of, additions to, and deletions from 49 CFR 395 shall apply for purposes of this Part.~~
- 1) ~~49 CFR 395.1(h) and 395.1(i) are not incorporated.~~
 - 2) ~~49 CFR 395.1(e)(1) as it applies to intrastate carriers is amended to establish that drivers shall operate within a 150 air mile radius of the normal work reporting location to qualify for exempt status. (Section 18b-105(d) of the Law)~~
- d) *A contract carrier shall limit the hours of service by a driver transporting employees in the course of their employment on a road or highway of this State in a vehicle designed to carry 15 or fewer passengers to 12 hours of vehicle operation per day, 15 hours of on-duty service per day, and 70 hours of on-duty service in 7 consecutive days. The contract carrier shall require a driver who has 12 hours of vehicle operation per day or 15 hours of on-duty service per day to have at least 8 consecutive hours off duty before operating a vehicle again. (Section 18b-106.1 of the Law) If the driver drives over 12 hours per day or performs more than 15 hours of on-duty service per day, the driver must complete a log book for that day.*

(Source: Amended at 44 Ill. Reg. _____, effective _____)